

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

WESTERN DIV.

CIVIL ACTION # 05-30091-KPN

JENETA KELLY, Plaintiff)
By her Guardian and next Friend,)
GENSIE KWAME,)
)
)
v.)
)
DAYTONA FUN PARK)
G & R GO CART,)
RUSTY BERTHOLET, Defendants)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to the Court's request of June 28, 2005, Plaintiff Jeneta Kelly and defendants Daytona Fun Park G&R Go-cart, and Rusty Bertholet ("Defendants") hereby submit this Joint Statement in accordance with Fed. R. Civ. P. 26(I) and Local Rule 16.1

The parties will engage in Phase I of discovery designed to lead to an early settlement. The discovery will include written discovery, obtaining the plaintiff's medical records through Keeper of the Records subpoenas, and deposing the plaintiff. This discovery will be completed by October 31, 2005.

If the parties are unable to thereafter reach a settlement of this case by November 30, 2005, the parties will proceed with Phase II discovery for purposes of despositive motions and/or trial. This discovery will include the noticing and completion of depositions of any and all other persons listed in the parties initial disclosures or any other discovery responses, with the parties reserving the rights to object to any such deposition notices on the grounds of relevance, duplication or privilege. This discovery will be completed by January 31, 2006. The plaintiff will identify any expert witnesses by February 28, 2006. The defendants will identify their expert witness by March 31, 2006.

Any summary judgment motions will be served upon the parties by March 31, 2006. Responses to summary judgment motions will be served by April 30, 2006 and thereafter filed with the court, which will then schedule any hearing at its convenience. A pretrial conference and trial date will be scheduled at the court's convenience.

JUL-28-2005 11:20A FROM:

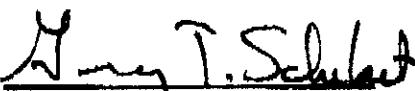
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Copies of the parties' Rule 16.1 Certificates are attached.

The parties' consent to a trial by a Magistrate Judge

The Plaintiff.
By her Attorney,

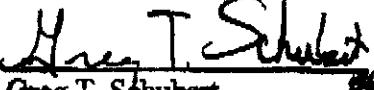

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FAX: (413) 746-3102

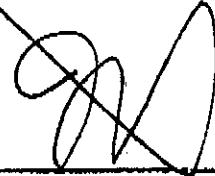
The Defendants.
By their Attorney


Michael D. Chefitz
BBO#544437
One Liberty Square
Boston, MA
Tel. (617)426-3900
Fax (617) 426-0380

CERTIFICATE OF SERVICE

I, Greg T. Schubert of 1365 Main St. Springfield, MA 01103 and I, Michael D. Chefitz, Bonner Kiernan, Trebach & Crociata, One Liberty Square, Boston, MA 02109, hereby certify that we jointly submit to the United States District Court the above petition as required Fed. R. Civ. P. 26. on this the 28th day of July, 2005


Greg T. Schubert


Michael D. Chefitz